IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Criminal Application No.1291 of 2006
In
Criminal Appeal No.349 of 2006

Sajid Abdul Wahid Shaikh Applicant
Vs.
State of Maharashtra Respondent

Mr.Nitin Sejpal & Ms. Pooja Bhojane for applicant.
Mrs.P.H.Kantharia, APP for State.

CORAM: B.H.MARLAPALLE & R.S. MOHITE, JJ.
February 13, 2007.

P.C.

. Heard Mr.Nitin Sejpal, the learned counsel for the applicant who has been convicted for the offences punishable under Sections 302 and 323 read with Section 34 of IPC in Sessions Case No.323 of 2005. Criminal Appeal No. 349 of 2006 filed against the order of conviction and sentence has been admitted and hence this application for being released on bail.

. There is no dispute that accused no.1- Javed Abdul Wahid Shaikh, the brother of the present applicant has been released on bail by this Court as per the order dated 28/6/2006.

. We have perused the depositions of PW 9 - Dr.Rajesh Sukhdeve as well as the testimony of PW 15

- Dr. Vijay Joshi. As per the trial court the eye witnesses have identified the present applicant and they attributed him the specific role of assaulting the deceased with wooden square log. The death occurred on account of fracture of skull and other injuries on the head. The cause of death as given by the doctor was intracranial hemorrhages, cerebral compression and odema as a result of blunt traumatic head injury (unnatural).

. Under these circumstances, we do not find this to be a fit case for being released on bail pending the appeal and by suspending the order of sentence under Section 389 of Cr.P.C. Hence the application is rejected.

. Hearing of Criminal Appeal No.349 of 2006 is hereby expedited. The appellants are at liberty to submit the private paper-book which could be certified by the Registry on the basis of the R. & P. which has been received.

(R.S.MOHITE,J.) (B.H.MARLAPALLE,J.)